

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as amended, Skinner. Inmates: health care enrollment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Commencing January 1, 2014, the federal Patient Protection and Affordable Care Act expands eligibility under the Medicaid Program for certain groups. Existing federal law prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.

This bill would require ~~counties~~ *the board of supervisors in each county* to designate an ~~individual or agency entity, as specified, defined,~~ to assist certain ~~individuals held in county jail, as specified, jail inmates~~ to apply for ~~a health insurance affordability programs program, as defined.~~ The bill would provide that ~~individuals county jail inmates~~ who are currently enrolled in the Medi-Cal program and who would become ineligible for benefits because of detention retain enrollment

in that program, unless otherwise ineligible, as specified. *The bill would require the State Department of Health Care Services to establish, subject to federal law, a process to enable counties to obtain federal financial participation for these provisions.*

By imposing additional duties on local governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4011.11 is added to the Penal Code, to
2 read:
3 4011.11. (a) ~~Each~~ (1) *The board of supervisors in each county*
4 *shall designate an individual or agency to complete and submit*
5 *entity to assist county jail inmates described in subdivision (c)*
6 *with submitting an application for a health insurance affordability*
7 *program application for the individuals described in subdivision*
8 ~~(e)~~ *consistent with federal requirements.*
9 (2) *The board of supervisors shall not designate the county*
10 *sheriff as the entity to assist with submitting an application for a*
11 *health insurance affordability program for county jail inmates*
12 *described in subdivision (c) unless the county sheriff agrees to*
13 *perform this function.*
14 (3) *If the board of supervisors designates a community-based*
15 *organization as the entity to assist with submitting an application*
16 *for a health insurance affordability program for county jail inmates*
17 *described in subdivision (c), the designation shall be subject to*
18 *approval by the jail administrator, or his or her designee.*
19 (b) *The jail administrator, or his or her designee, shall coordinate*
20 *with the individual or agency entity designated pursuant to*
21 *subdivision (a).*

1 (c) ~~The individual or agency entity~~ designated pursuant to
2 subdivision (a) shall ~~complete and submit~~ *assist county jail inmates*
3 *with submitting* an application for a health insurance affordability
4 program ~~on behalf of an inmate in a county jail at any time before~~
5 ~~release if both~~ all of the following conditions are met:

6 (1) The inmate has been in detention for at least 72 hours.

7 (2) The inmate appears potentially eligible to be enrolled in the
8 health insurance affordability program upon release.

9 (3) *The inmate does not currently have health care coverage.*

10 (d) Consistent with federal regulations, ~~individuals~~ *county jail*
11 *inmates* who are currently enrolled in the Medi-Cal program shall
12 not be terminated from the program due to their detention unless
13 required by federal law, or they become otherwise ineligible.

14 (e) Notwithstanding any other provision of law, and only to the
15 extent that federal law allows, ~~the state~~ *State Department of Health*
16 *Care Services* shall establish a process to enable counties to obtain
17 the maximum available federal financial participation for
18 administrative activities related to this section.

19 (f) Notwithstanding any other ~~provision of law~~, the ~~individual~~
20 ~~or agency entity~~ designated pursuant to subdivision (a) is authorized
21 to act on behalf of ~~an individual detained in a county jail inmate~~,
22 for purposes of applying for or a determination of eligibility for a
23 health insurance affordability program.

24 (g) *For purposes of this section, the following definitions apply:*

25 (1) “Entity” means an individual, governmental agency, or
26 community-based organization.

27 ~~(g)~~

28 (2) “Health insurance affordability program” means a program
29 that is one of the following:

30 ~~(1)~~

31 (A) The state’s Medi-Cal program under Title XIX of the federal
32 Social Security Act.

33 ~~(2)~~

34 (B) The state’s children’s health insurance program (CHIP)
35 under title XXI of the federal Social Security Act.

36 ~~(3)~~

37 (C) A program that makes coverage in a qualified health plan
38 through the California Health Benefit Exchange established
39 pursuant to Section 100500 of the Government Code with advance

1 payment of the premium tax credit established under Section 36B
2 of the Internal Revenue Code available to qualified individuals.

3 ~~(4)~~

4 (D) A program that makes available coverage in a qualified
5 health plan through the California Health Benefit Exchange
6 established pursuant to Section 100500 of the Government Code
7 with cost-sharing reductions established under Section 1402 of the
8 federal Patient Protection and Affordable Care Act (Public Law
9 111-148) and any subsequent amendments to that act.

10 (h) Notwithstanding Chapter 3.5 (commencing with Section
11 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
12 the department may implement this section by means of all-county
13 letters or similar instructions, without taking regulatory action.

14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.